

Perth and Kinross Council
Development Control Committee – 8 September 2010
Report of Handling by Development Quality Manager

Erection of 5 dwellinghouses at Site of Former Cruachan House Residential Home, Kenmore Street, Aberfeldy

Ref. No: 10/00982/FLL
Ward No: 4 - Highland

Summary

This report recommends approval of the application for the erection of 5 dwellinghouses at the above site as the density, character and layout proposed is considered to reflect the character of this particular part of Aberfeldy and therefore complies with the relevant Development Plan policies.

BACKGROUND AND DESCRIPTION

- 1 Full planning consent is sought for the erection of 5 detached dwellinghouses on a site previously occupied by the Cruachan House Residential Care Home. Cruachan House was recently demolished and the site is now vacant. There is considerable planning history to this site including various refusals by the Development Control Committee and the dismissal of appeals by the Scottish Government. The planning history is detailed elsewhere in this report. The previous applications were refused on design, layout and overdevelopment concerns.
- 2 The application site extends to 4073 sqm and is accessed from Kenmore Street to the north and sits on the outskirts but within the Aberfeldy Conservation Area and within the Aberfeldy settlement boundary and is allocated in the Highland Area Local Plan for residential or compatible uses where Policy 58 applies. The application site is bound by housing on all sides. The majority of which are detached units.
- 3 The proposal seeks to erect 5 detached dwellinghouses in a cul-de-sac style arrangement similar to "The Laurels" to the west of the site. The houses are of varying scale and propose accommodation over two levels. The majority of 1st floor accommodation will be provided in the roof space through the use of rooflights, gable windows and dormers with the associated eaves level varying as a result. Plots 1, 2, 3 and 5 include detached single garages whereas plot 4 includes an integral garage. The finishing materials on the houses include natural slate to the roof, timber windows, off white render, natural stonework and cedar cladding. Each single garage is to be finished in natural slate and larch boarding.
- 4 A paved courtyard is proposed centrally within the site with boundary treatments between the courtyard and houses including 1.1m high stone walls. 1.8m high timber fences are proposed between the plots.

NATIONAL POLICY AND GUIDANCE

The Scottish Planning Policy 2010

5 This SPP is a statement of Scottish Government policy on land use planning and contains:

- the Scottish Government's view of the purpose of planning,
- the core principles for the operation of the system and the objectives for key parts of the system,
- statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
- concise subject planning policies, including the implications for development planning and development management and,
- the Scottish Government's expectations of the intended outcomes of the planning system.

Of relevance to this application are:

- Paragraphs 66 - 91 which relate to Housing
- Paragraphs 86 - 88 which relate to Affordable Housing
- Paragraphs 115 - 117 which relate to Conservation Areas

DEVELOPMENT PLAN

6 The Development Plan for the area consist of the Approved Perth and Kinross Structure Plan 2003 and the Adopted Highland Area Local Plan 2000

Perth and Kinross Structure Plan 2003

7 The principal relevant policies are in summary:

Sustainable Communities Policy 3

8 The Council will seek to secure affordable and low-cost housing in local areas as identified through housing needs assessments.

Sustainable Communities Policy 6

9 In the Lowland area, housing allocations will be made in smaller settlements, subject to their scale, landscape fit and impacts on the environment being acceptable. Local Plans will develop housing in the countryside policies for rural housing development, which reflect the need to support the rural economy, while preventing commuting, is well sited and is of a scale and standard of design appropriate to its location.

Sustainable Communities Policy 6

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Highland Area Local Plan 2000

- 11 Under the Local Plan the site lies within the settlement boundary of Aberfeldy Conservation Area and where residential and compatible uses will be retained and where possible improved, under Policy 58,

The principal relevant policies are in summary:

Policy 1 Sustainable Development

- 12 The Council will seek to ensure, where possible, that development within the Plan area is carried out in a manner in keeping with the goal of sustainable development. Where development is considered to be incompatible with the pursuit of sustainable development, but has other benefits to the area which outweigh this issue, the developer will be required to take whatever mitigation measures are deemed both practical and necessary to minimise any adverse impact. A series of principles will be used as guidelines in assessing whether projects pursue a commitment to sustainable development.

Policy 2 Development Criteria

- 13 Provides criteria by which all developments will be judged. In particular, that the development should have a landscape framework, should have regard to the scale, form, colour and density of development within the locality and should not result in a significant loss of amenity to the local community.

Policy 3 Landscape

- 14 Development proposals should seek to conserve landscape features and sense of local identity, and strengthen and enhance landscape character.

Policy 5 Design

- 15 The Council seeks high standards of design throughout the plan area for all development. In particular encouragement will be given to:
 - (a) The use of appropriate and high quality materials.
 - (b) Innovative modern design incorporating energy efficient technology and materials.
 - (c) Avoidance of the use of extensive underbuilding on steeply sloping sites.

- (d) Ensuring that the proportions of any building are in keeping with its surroundings.
- (e) Ensuring that the development fits its location.

Policy 58 Aberfeldy Residential and Compatible Uses

- 16 Residential amenity will be retained and if possible, improved. Some scope may exist for infill development particularly for affordable housing but only where this will not adversely affect the density, character or amenity of the area concerned. Proposals which erode areas of public or private open space will be resisted

OTHER POLICIES

Affordable Housing Policy

- 17 This policy is applicable to all new housing sites (even ones identified in the local plans) with the exception of those with existing consents or an approved development brief. This policy seeks a 25% allocation of affordable housing; preferably on site however for developments of less than 10 units commuted payments maybe acceptable.

Education Contributions

Planning Guidance Note – Developer Contributions May 2009

- 18 Across Scotland local authorities are having difficulty maintaining and developing infrastructure in order to keep up with the pressures of new development. Additional funding sources beyond that of the local authority are required to ensure that infrastructure constraints do not inhibit sustainable economic growth.

Planning Guidance Note – Primary Education and New Housing Development May 2009

- 19 This guidance sets out the basis on which Perth and Kinross Council will seek to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development. All new housing from the date of adoption including those on sites identified in adopted Local Plans will have the policy applied.

Aberfeldy Conservation Area Appraisal

- 20 Appraisal of the conservation area status.

SITE HISTORY

- 21 07/01284/OUT – Residential Development in Outline (Withdrawn) 6 August 2008

- 22 07/01940/FUL Change of use from residential care home to 4 residential units and erection of 4 dwellinghouses – Refused (18.12.07) and subsequently dismissed under appeal (4.8.08) on Overdevelopment
- 23 07/02835/FUL Conversion of dwellinghouse into 4 flats and erection of 3 dwellinghouses – Withdrawn by applicant (13.5.08)
- 24 08/00021/FUL Demolition of existing building and erection of 9 houses and 6 garages – Appealed under non determination by applicant and appeal subsequently withdrawn – Council no longer have ability to make decision on application after appeal submission and therefore considered a Deemed Refusal (2.5.08)
- 25 08/01575/FUL Demolition of dwelling and erection of 9 dwellinghouses and 3 garages – Refused (31.10.08) and subsequently dismissed on appeal due to effect on character of Conservation area, overdevelopment, density

CONSULTATIONS

- | | | |
|----|--|-------------------------------------|
| 26 | Environmental Health (Noise and Odour) | No Objection |
| 27 | Education and Children’s Services | No Objection |
| 28 | Scottish Water | No Objection |
| 29 | Aberfeldy Community Council | No response within statutory period |

REPRESENTATIONS

- 30 A total of 3 letters of representation have been received. One makes comment regarding planting but offers no objection in principle. One which objects regarding the access arrangements and one offers support to the application.

Summary of Issues raised by Representations

- Planting/landscaping
- Road Traffic Safety

These issues are all raised in the Appraisal section of this report.

ADDITIONAL STATEMENTS

31

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	None submitted.

APPRAISAL

Policy

- 32 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy. The most relevant policies of the Development Plan are listed in the policy section above.

Affordable Housing

- 33 There are a total of 5 units proposed which equates to a requirement of 25% of 5 units = 1.25 as indicated in the Council's Affordable Housing Policy 2005. As the proposal is for under 10 units, and after consultation with the Council's Affordable Housing Officer it has been agreed that an off site contribution is considered the most appropriate method of addressing the policy in this instance. The commuted sum of for a single affordable house in the Highland Area is £19,000. Therefore the applicant requires to pay a contribution of 1.25 x £19,000 which equates to £23,750. The applicant can either pay the contribution upfront and upon receipt the consent will be issued or alternatively enter into a legal agreement. Upon the signing of the legal agreement by both parties the consent will be issued. In this instance the applicant has indicated that they wish to enter into a legal agreement.

Education

- 34 Having received a consultation response from the Council's Education and Children's Service they have confirmed that there are currently no capacity concerns at the local Breadalbane Primary School and therefore there is no requirement to meet the terms of the Council's Primary Education and New Housing Development Guidance Note.

Traffic Safety

- 35 The site is to be accessed from Kenmore Street and a mini roundabout currently exists directly adjacent to the entrance to the site. This roundabout serves both the east and west bound lanes of Kenmore Street and Taybridge Drive to the north. The Council's Roads Engineers have been formally consulted on the proposal. The access is 5.3m in width and can therefore accommodate two cars without requiring any passing places. The bellmouth onto Kenmore Street is considered acceptable. The plans show the provision of 2 car parking spaces and turning facilities for all vehicles to enter and leave the site in a forward gear. A footpath is also proposed from the site along the eastern side of the access to Kenmore Street. The Roads Engineers have raised no objection to the existing mini roundabout and consider it adequate to serve the traffic associated with 5 houses on this site. The plans are therefore considered acceptable in relation to road traffic safety.

Drainage

- 36 It is proposed to connect the development to the public drainage network. Scottish Water have been consulted on the application and offered no objection but have advised that a separate application to Scottish Water will be required to connect to their assets which is separate from the planning process. An informative will be attached to any consent given to make the applicant aware of this.
- 37 Water will be supplied by the public system.
- 38 The proposed drainage arrangements are considered acceptable and meet the requirements of the Development Plan.

Residential Amenity

- 39 The houses have been positioned on each plot to ensure any overlooking to neighbouring plots is suitably mitigated. All 5 houses meet the Council's guidelines in regard to window to boundary distances of 9 metres. No windows are proposed on gable elevations to ensure there are no overlooking issues between each proposed house.
- 40 Although the level of garden ground provided for each plot does vary, with plots 4 and 5 being the largest, there is considered to be a sufficient level of private amenity space for each house proposed.

Design and Layout/Conservation Area

- 41 After lengthy pre application discussion with the architect and considering the previous refusals and appeal dismissals on this site the applicant has now reduced the number of units proposed on the site considerably. The 5 detached units proposed relate well to the density levels in the immediate area and the cul-de-sac layout also reflects closely the existing character and layout of this part of Aberfeldy. The proposal is now considered to comply with Policy 58 of the Highland Area Local Plan 2000 which seeks to ensure any development does not have an adverse effect on the density, character or amenity of the area. The use of a paved courtyard bound by 1.1m stone boundary walls will create an attractive entrance into the development from the public road.
- 42 Each house utilises similar design styles but each house type is different which in my view will add an element of interest and variation to the site. The scale of each house is similar to others in the area. Plots 2, 4 and 5 are to be approximately 7.1m from ground to ridge, plot 3 is 7.3m in height and plot 1 (the house with the smallest footprint) is proposed to be 7.8m in height. The scale of each unit is considered to be appropriate for the site and relates well to the surrounding development and the remainder of the Conservation Area.
- 43 The finishing materials proposed include off white render, cedar cladding, natural stonework and slate, all of which are considered appropriate for the

Conservation Area. Whilst a concern was raised with the design of the front elevation of plot 1 which was felt to give the house an exaggerated verticality in relation to the overall width of the elevation, I believe it would not be significantly detrimental to the building to merit the application being refused. Furthermore this element is finished in natural stone and is required due to the position of the upstairs bathroom. The design also helps to reduce any increase to the bulk and massing of the roof which may result from the inclusion of a larger separate dormer window. Samples of the proposed render and stonework will be requested by planning condition.

- 44 The single storey timber garages are located close to some boundaries, however their small scale (3.6m to ridge) will ensure there will be little or no impact on neighbouring properties amenity.
- 45 The courtyard/cul-de-sac area is to utilise block paving to avoid excessive tarmac surfaces and this is welcomed. I intend to request details of the paving by condition.
- 46 The site plan indicates the provision of indicative planting throughout the site but no detailed plans have been provided in this regard. The Aberfeldy Conservation Area Appraisal identifies the importance of green space. I intend to request a detailed landscaping plan by condition to ensure the soft landscaping contributes to the character of the Conservation Area. The plans also show the retention of trees on the eastern boundary of the site at the rear of plot 1 and I also intend to include in conditions that these trees are retained and complimented on the new planting scheme. These are the only trees which are present on the site.

LEGAL AGREEMENTS

- 47 A legal agreement is required between the Council and the applicant to ensure the payment of £23,750 to comply with the Council's policy on Affordable Housing as detailed elsewhere in this report.

DIRECTION BY SCOTTISH MINISTERS

- 48 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 49 The proposed development is a considerable improvement over previous schemes submitted for the site with a hugely improved design, layout and density level all of which relate more closely to the character of the Aberfeldy Conservation Area. The proposal is considered to comply with the Highland Area Local Plan 2000 subject to conditions. There are no material considerations apparent which would outweigh the contents of the Development Plan. The application is therefore recommended for approval.

RECOMMENDATION

A Approve subject to the following conditions:

- 1 The development shall be begun within a period of three years from the date of this consent.
- 2 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
- 3 Prior to the commencement of development, samples of the proposed stonework and render shall be provided for the further written approval of the Planning Authority.
- 4 Prior to the commencement of development, a detailed landscaping and planting scheme for the site shall be submitted for the further approval of this Planning Authority prior to the commencement of the development. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, species, height, size and density of trees and shrubs to be planted and the scheme as subsequently approved shall be carried out and completed during the development of the site and thereafter maintained unless otherwise agreed in writing with this Planning Authority.
- 5 The existing trees on the eastern boundary of the application site shall be retained in their entirety. These trees shall be protected during construction with all works adhering to British Standard "BS 5837 2005 - Trees in Relation to Construction" to the satisfaction of the Council as Planning Authority.
- 6 Prior to the commencement of development, details of the proposed block paving on the courtyard area shall be submitted for the further written approval of the Planning Authority.
- 7 The low level stone walling to the frontages of the properties shall be a local natural stone to the satisfaction of the Council as Planning Authority.

Reasons:

- 1 In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning etc (Scotland) Act 2006.
- 2 To ensure that the development is carried out in accordance with the plans approved.
- 3-7 In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality and to retain the character of the Aberfeldy Conservation Area

B JUSTIFICATION

- 1 The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure there from.

C PROCEDURAL NOTES

- 1 Consent not to be issued until a Section 75 Agreement has been completed and signed in respect the following issues: -

Affordable Housing Contribution of £23,750

D INFORMATIVES

- 1 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 3 No work shall be commenced until an application for building warrant has been submitted and approved.
- 4 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

Background Papers: Three Letters of representation
Contact Officer: John Williamson – Ext 75360
Date: 26 July 2010

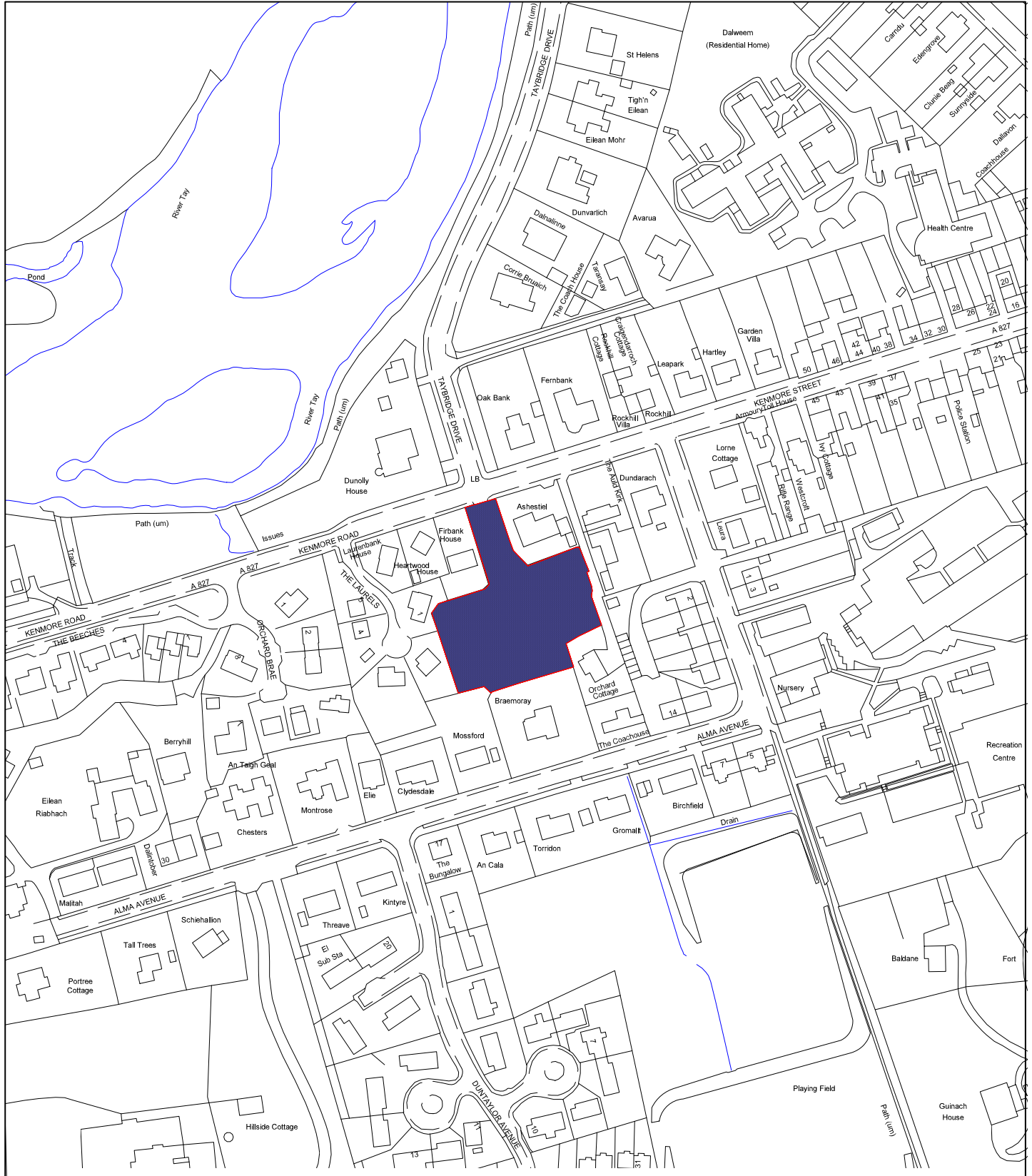
NICK BRIAN
DEVELOPMENT QUALITY MANAGER

Perth & Kinross Council

10/00982/FLL

Former Cruachan House, Kenmore Street, Aberfeldy

Erection of 5 dwellinghouses



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↑ Scale
1:2500

